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'Phenomenal' Pretrial File In Dodd Case Still Growing

The pre-trial legal file in Sen. Thomas J. Dodd's \$2 million libel suit against two newspaper columnists, described by an attorney last week as having grown to "phenomenal size," has again increased in size with the filing of two new documents.

Attorneys for columnists Drew Pearson and Jack Anderson, defendants in the case, yesterday went into U.S. District Court here to contest Dodd's request that a single judge be assigned to the case.

Dodd asked for assignment of single judge last week when he scaled down his suit from 14 to four complaints and reduced the damages requested from \$5 million to \$2 million.

See No Emergency

But the columnists' attorneys said that such requests are granted only when "complicated issues" are involved or when the case is of an "emergency character." They said Dodd had shown neither to exist.

"Plaintiff (Dodd) seems to feel that his case is entitled to priority over all cases pending on the crowded criminal and civil docket in the District of Columbia, yet plaintiff himself has already caused substantial delay . . . by his failure to comply with the rules of the court," the columnists' lawyers said.

The attorneys said they

wanted the case to proceed quickly, "but not at the expense of full development and disclosure of all the relevant facts which fully support the columns which the defendants have written regarding this public official."

Dodd's attorneys late Thursday filed a new reply to the earlier request that they produce thousands of documents when the senator appears for a pre-trial deposition.

Reiterate Claim

The lawyers reiterated their earlier claim that the request for 49 categories of documents was broad, vague and burdensome. They refused the request for 32 categories and said they would be willing to produce only those pertinent to their amended suit.

What the columnists "might learn from documents disclosed to them after the commencement of a (legal) action is not relevant. In a libel suit, matters irrelevant to the issues in the case may not be probed in (pre-trial) discovery proceedings," Dodd's lawyers said.

Dodd's lawyers yesterday continued taking a pre-trial deposition from James P. Boyd, Dodd's former administrative assistant and one of five employees whom the senator said were involved in removing material from his files and

turning it over to Pearson and Anderson.

Dodd is scheduled to be examined next in the pre-trial discovery proceedings, but a conflict between opposing lawyers appeared to be in the making over when he would be called.

The Senate Ethics Committee, investigating the columnists' allegations of illegal and unethical conduct on Dodd's part, has scheduled hearings to open later this month.